

BRESSLER, AMERY & ROSS, P.C.

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Attorneys for Defendants

Virginia Transportation Corporation and

Jason B. Franklin

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HAN J. YUN,

Plaintiff,

v.

JASON B. FRANKLIN, VIRGINIA
TRANSPORTATION CORP., JOHN DOES
1-10 (said names being fictitious) and JOHN
ROE CORP. 1-10 (said names being
fictitious),
Defendants.

Civil Action No.: 2:21-cv-11715

**NOTICE OF REMOVAL
(Diversity)**

Defendants Virginia Transportation Corporation (“VTC”) and Jason B. Franklin (“Mr. Franklin”) (collectively, “Defendants”) through their counsel, pursuant to 28 U.S.C. §§ 1332, 1367, 1441 and 1446, and with a full reservation of any and all rights, claims, objections and defenses, hereby file this Notice of Removal from Superior Court of New Jersey, Law Division, Bergen County, in which the action is now pending under Docket Number L-002614-21 to the United States District Court for the District of New Jersey, and respectfully states:

THE REMOVED CASE

1. On or about April 20, 2021, there was commenced and is now pending before the Superior Court of the State of New Jersey, County of Bergen, a civil action entitled Yun v. Franklin, et al., Docket No. BER-L-002614-21 (herein after “State Court Action”). A true copy of the complaint filed in that matter is attached as Exhibit 1.

JURISDICTION AND GROUNDS FOR REMOVAL

2. This action is a civil action removable to this Court pursuant to 28 U.S.C. § 1441 because this Court has original jurisdiction over this cause under 28 U.S.C. § 1332(a)(1).

3. Based upon the Complaint, Plaintiff is an individual and citizen of New Jersey residing at 188 Wheaton Place in Rutherford, New Jersey.

4. Defendant VTC is a corporation of the State of Rhode Island, having its principal place of business at 141 James P. Murphy Industrial Highway in West Warwick, Rhode Island.

5. Defendant Jason Franklin is an individual and citizen of New York residing at 138-42 227th Street in New York, New York.

6. Accordingly, the diversity of citizenship requirement is satisfied pursuant to 28 U.S.C. § 1332(a)(1) and (c).

7. Plaintiff asserts in the Complaint personal injury due to negligence in the operation, control, maintenance and/or supervision of said motor vehicle resulting in pain, suffering, medical expenses, and economic losses. Although the Complaint does not state the monetary amount that Plaintiff seeks in relief, Plaintiff alleges serious and permanent injuries that affect Plaintiff's ability to engage in everyday activities. Plaintiff also seeks damages for pain, suffering, medical expenses and economic losses, against the Defendants.

8. Accordingly, in light of Plaintiff's complaints and the fact that the accident involved a tractor trailer, Defendants have a good-faith basis to believe that the matter in controversy in this action exceeds the sum or value of \$75,000, exclusive of interest and costs. Thus, the amount in controversy requirement is satisfied pursuant to 28 U.S.C. § 1332(a). This action is, therefore, a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332 and one which may be removed by Defendant pursuant to 28 U.S.C. §§ 1441(b) and 1446 in

that it is a civil action wherein the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states.

THE REMOVAL IS TIMELY AND PROCEDURALLY PROPER

9. Plaintiff filed his Complaint in state court on or around April 20, 2021.

10. A copy of the Complaint was served by personal service upon Defendant VTC on April 27, 2021. Defendant VTC did not receive the Complaint prior to the service of same. Mr. Franklin has not yet been served. Therefore, this Notice of Removal is filed within 30 days of first notice of the lawsuit and less than one year after commencement of the State Court Action. As such, it is timely under 28 U.S.C. § 1446(b).

11. Defendants VTC and Mr. Franklin consent to the removal of this action to the United States District Court for the District of New Jersey.

12. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), Defendants' response to the Complaint is not due to be served until June 1, 2021.

FILING OF REMOVAL PAPERS

13. Pursuant to 28 U.S.C. § 1446(d), Defendants concurrently herewith give written notice of filing of this Notice of Removal to the Plaintiff and to the Superior Court, Bergen County, New Jersey. A copy of that Notice is attached to this Removal. (See Exhibit 2 (without exhibits)).

WHEREFORE, Defendants Virginia Transportation Corp. and Jason Franklin hereby remove Docket Number BER-L-002614-21 from the Superior Court of New Jersey, Law Division, Bergen County to this Court for determination and respectfully request that this Court make and enter an Order of Removal.

Respectfully submitted,

BRESSLER, AMERY & ROSS, P.C.

Attorneys for Defendants

Virginia Transportation Corp. and

Jason B. Franklin



By: _____

MaryJane Dobbs

Dated: May 25, 2021

LOCAL RULE 11.2 CERTIFICATION

Pursuant to Local Civil Rule 11.2, the undersigned hereby certifies that, at the time of filing the within, the undersigned is not aware that the matter in controversy is the subject of actions pending in any other court, or of any pending arbitration or administrative proceeding, except as disclosed herein.

Respectfully submitted,

BRESSLER, AMERY & ROSS, P.C.

Attorneys for Defendants

Virginia Transportation Corp. and

Jason B. Franklin



By: _____

MaryJane Dobbs

Dated: May 25, 2021

CERTIFICATE OF SERVICE

On this day, I certify that a copy of the above and foregoing notice was caused to be filed by ECF. I also hereby certify that a true copy of the above and foregoing notice was electronically filed by e-Courts with the Clerk's Office, Superior Court of New Jersey, Bergen County Justice Center, 10 Main Street, Hackensack, New Jersey 07601.

I also hereby certify that a true copy of the above and foregoing notice was delivered by Lawyers' Service to:

Henry L. Kim, Esq.
Kim, Cho & Lim, LLC
460 Bergen Boulevard, Suite 305
Palisades Park, New Jersey 07650
Attorney for Plaintiff
Han J. Yun



Emily J. Bordens

Dated: May 25, 2021

EXHIBIT 1

KIM, CHO & LIM, LLC

Henry L. Kim, Esq. (Bar Id.: 017022000)

460 Bergen Boulevard, Suite 305

Palisades Park, NJ 07650

P: (201) 585-7400

Attorneys for Plaintiff

HAN J. YUN

Plaintiff,

v.

JASON B. FRANKLIN, VIRGINIA
TRANSPORTATION CORP., JOHN DOES 1-
10 (said names being fictitious) and JOHN
ROE CORP. 1-10 (said names being fictitious)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.: BER-L-

CIVIL ACTION

COMPLAINT & JURY DEMAND

Plaintiff, HAN J. YUN, by way of Complaint against all of the above-captioned Defendants, states:

PARTIES

1. Plaintiff, HAN J. YUN, is an individual residing at 188 Wheaton Place in the Borough of Rutherford, County of Bergen and State of New Jersey.
2. Defendants, JASON B. FRANKLIN, is an individual residing at 138-42 227th Street in the Neighborhood of Laurelton, County of Queens, City and State of New York.
3. Defendant, VIRGINIA TRANSPORTATION CORP., is a corporation with its principal place of business located at 141 James P. Murphy Industrial Highway in the Town of West Warwick, County of Kent and State of Rhode Island.
4. Defendants, JOHN DOE 1-10 and JOHN ROE CORP. 1-10, are fictitious parties.

FIRST COUNT

1. On or about January 14, 2020, Plaintiff, HAN J. YUN, was the owner and operator of a 2005 Hyundai motor vehicle which was traveling south on Teaneck Road at or near the intersection with Bergen Turnpike in the Village of Ridgefield Park, County of Bergen and State

of New Jersey.

2. At said time and place, Defendant, JASON B. FRANKLIN, was the operator of a 2017 Peterbilt motor vehicle which was also traveling south on Teaneck Road at or near the intersection with Bergen Turnpike in the Village of Ridgefield Park, County of Bergen and State of New Jersey.

3. At all relevant times, Defendant, JASON B. FRANKLIN, negligently and recklessly collided with the rear of the vehicle operated by Plaintiff, HAN J. YUN, in the Village of Ridgefield Park, County of Bergen and State of New Jersey.

4. As a result of the negligence of Defendant, JASON B. FRANKLIN, Plaintiff, HAN J. YUN, was violently tossed about, suffered serious permanent personal injuries, permanent disfigurement, lost wages, medical expenses, past and future, pain and suffering and temporary disability and permanent physical disability.

WHEREFORE, Plaintiff, HAN J. YUN, demands judgment against Defendant, JASON B. FRANKLIN, for compensatory damages, interest, costs of suit, and any such other and further relief as the court deems just and equitable.

SECOND COUNT

1. Plaintiff, HAN J. YUN, repeats and realleges all of the allegations of the First Count of the Complaint as if set forth at length herein.

2. At all relevant times, Defendant, VIRGINIA TRANSPORTATION CORP., was the owner of the subject 2017 Peterbilt motor vehicle and allowed Defendant, JASON B. FRANKLIN, to drive said vehicle while knowing, or while it should have known, that Defendant, JASON B. FRANKLIN, was an inexperienced and careless driver.

3. As a proximate result of the negligence of Defendant, VIRGINIA TRANSPORTATION CORP., Plaintiff, HAN J. YUN, was violently tossed about, suffered serious

permanent personal injuries, permanent disfigurement, lost wages, medical expenses, past and future, pain and suffering and temporary disability and permanent physical disability.

4. Defendant, VIRGINIA TRANSPORTATION CORP., is therefore liable for the acts of Defendant, JASON B. FRANKLIN, under the legal theory of Respondeat Superior.

WHEREFORE, Plaintiff, HAN J. YUN, demands judgment against Defendant, VIRGINIA TRANSPORTATION CORP., for compensatory damages, interest, costs of suit, and any such other and further relief as the court deems just and equitable.

THIRD COUNT

1. Plaintiff, HAN J. YUN, repeats and realleges all of the allegations of the First and Second Counts of the Complaint as if set forth at length herein.

2. At all relevant times, Defendants, JOHN DOES 1-10 and JOHN ROE CORP. 1-10, are fictitious names for unknown persons and/or business entities and/or corporations who may be liable for the injuries to Plaintiff, HAN J. YUN.

WHEREFORE, Plaintiff, HAN J. YUN, demands judgment against Defendants, JOHN DOES 1-10 and JOHN ROE CORP. 1-10, said names being fictitious, for compensatory damages, interest, costs of suit and any other and further relief as the court deems just and equitable.

**KIM, CHO & LIM, LLC
ATTORNEYS FOR PLAINTIFF**

Dated: 4/20/21

By: 
HENRY L. KIM, ESQ.

CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, that no other parties should be joined in this action.

**KIM, CHO & LIM, LLC
ATTORNEYS FOR PLAINTIFF**

Dated: 4/20/21

By: 
HENRY L. KIM, ESQ.

TRIAL COUNSEL DESIGNATIONS

Pursuant to R. 4:25-4 of the Rules Governing the Courts of the State of New Jersey, Henry L. Kim, Esq., is hereby designated as trial counsel in the above captioned matter.

**KIM, CHO & LIM, LLC
ATTORNEYS FOR PLAINTIFF**

Dated: 4/20/21

By: 
HENRY L. KIM, ESQ.

JURY DEMAND

Plaintiff, HAN J. YUN, hereby demands a trial by jury as to all issues so triable.

**KIM, CHO & LIM, LLC
ATTORNEYS FOR PLAINTIFF**

Dated: 4/20/21

By: 
HENRY L. KIM, ESQ.

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-002614-21

Case Caption: YUN HAN VS FRANKLIN JASON

Case Initiation Date: 04/20/2021

Attorney Name: HENRY LEE KIM

Firm Name: KIM, CHO & LIM, LLC

Address: 460 BERGEN BLVD STE 305

PALISADES PARK NJ 07650

Phone: 2015857400

Name of Party: PLAINTIFF : Yun, Han, J

Name of Defendant's Primary Insurance Company

(if known): Napa River Insurance

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (NON-
VERBAL THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Are sexual abuse claims alleged by: Han J Yun? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? YES

If yes, for what language:

KOREAN

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

04/20/2021

Dated

/s/ HENRY LEE KIM

Signed

EXHIBIT 2

MaryJane Dobbs, Esq. (No. 017121989)
Emily J. Bordens, Esq. (No. 021792006)
BRESSLER, AMERY & ROSS, P.C.
325 Columbia Turnpike
Florham Park, New Jersey 07932
(973) 514-1200
Attorneys for Defendants
Virginia Transportation Corp. and Jason B. Franklin

HAN J. YUN,

Plaintiff,

v.

JASON B. FRANKLIN, VIRGINIA
TRANSPORTATION CORP., JOHN DOES
1-10 (said names being fictitious) and JOHN
ROE CORP. 1-10 (said names being
fictitious),

Defendants.

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY – LAW DIVISION
Docket No.: BER-L-2614-21

Civil Action

NOTICE OF FILING OF REMOVAL

TO: Clerk of the Superior Court of New Jersey
Bergen County Justice Center
10 Main Street
Hackensack, New Jersey 07601

Henry L. Kim, Esq.
Kim, Cho & Lim, LLC
460 Bergen Boulevard, Suite 305
Palisades Park, New Jersey 07650
Attorney for Plaintiff
Han J. Yun

YOU ARE HEREBY NOTIFIED that, on or about the 25th day of May, 2021, Defendants Virginia Transportation Corp. and Jason B. Franklin (“Defendants”) caused to be filed in the United States District Court for the District of New Jersey a Notice of Removal removing the above-styled action from the Superior Court of New Jersey, Law Division of Bergen County, New Jersey, to the United States District Court for the District of New Jersey. A copy of the Notice of Removal is attached hereto as Exhibit 1. The filing of this Notice with the Clerk of

Superior Court of Bergen County, New Jersey effected immediate removal of this action to the United States District Court for the District of New Jersey.

PLEASE TAKE FURTHER NOTICE that this Notice of that filing is given pursuant to the provisions of 28 U.S.C. §1446(d) as amended.

BRESSLER AMERY & ROSS, P.C.

Attorneys for Defendants

*Virginia Transportation Corporation and
Jason B. Franklin*

By:



MaryJane Dobbs

Dated: May 25, 2021

CERTIFICATE OF SERVICE

On this day, I certify that the above and foregoing notice was caused to be electronically filed with the Clerk of the Superior Court of New Jersey, Bergen County Justice Center by e-Courts.

I also hereby certify that a true copy of the above and foregoing notice was delivered by e-Courts and Lawyers' Service to:

Henry L. Kim, Esq.
Kim, Cho & Lim, LLC
460 Bergen Boulevard, Suite 305
Palisades Park, New Jersey 07650
Attorney for Plaintiff
Han J. Yun



Emily J. Bordens

Dated: May 25, 2021